

1904-033 Chancery Causes: Adm. of Anthony Witt vs. A. J. Witt &c
Lee Co.

Flanary, Redwine, Wax

CA-Debt
T-Property

Virginia.

To the honorable W. S. Miller Judge of the
Circuit Court of Lee County.
Humbly complaining your orator B. E. Flanery
administrator of the estate of Anthony Witt decd.
would respectfully represent unto your honor.
that on the 16th day of June 1894. in the
said court he obtained a judgment against
A. J. Witt & S. L. Redwine for the sum of \$106.03
with legal interest thereon from the 12th
day of June 1891. and \$8.56 costs, which
judgment was obtained on a note containing
the homestead exemption, and a copy

and delivered to M. R. Kirk deputy for B. E.
Flanery Sheriff of said County, and which was
returned by said deputy Sheriff, "Not executed. to
property found." The said judgment was properly
docketed in the clerk's office of the County Court
of said County, July 5th 1894, a copy of which
docketing is herewith filed as part hereof
marked "Docketing". Your orator is advised and
therefore alleges that his said judgment, ^{and} part
of which has been paid, is a lien on the real
estate of said defendants, and he avers that
the said A. J. Witt is the owner of an interest
in the lands of his father Anthony Witt decd.,
lying in said county in what is known as the

Pockett, and your orator does not know
of any real estate owned by said S. L. Redwine.
Your orators prayer therefore is that the said
A. J. Witt & S. L. Redwine be made the parties
defendants to this bill and answer the same,
but not on oath that being waived, and on
a hearing a decree be rendered subjecting the
lands belonging to said defendants to the
payment of said judgment and the costs
of this suit, and for all other further and
general relief. May process issue directed
re. And your orator will ever pray &c.

Or. Blankenship & Cuning-
-ford.

Plffs Costs
Q 12.68
Tax 1.50
Atty 18.00
Comm 10.00
Co Clk 25
Shft 2.00
Estimated 5.00
\$46.43

C. E. Flanery Jr

Bill in Chanc

A. J. Witt & L. Redin

1894. 1st Oct Rules, Bill fil
Sha Erect & D. N

" 2nd Oct Rules. D. N. Con
+ set for hearing by Plff

3

1.06.03

but no rule...

him
of the timber taken by said
Hughes from said land and that said
land be partitioned between those entitled
thereto according to their several rights
and for such other further general and
Special relief as is suited to this case
And met for a court of equity to grant
May Your Honor issue &c.

C. T. Duncan for Plffs

6	16.48
Co 6	7.15
6	5.00
it	15.00
8	3.00
Comrs	46.00

\$ 92.63

This Cost settled
in full as follows
by Wm Dunston
paying \$61.76
& L. M. Hughes
\$30.87—

H. J. Attch

C. E. Flanary Admr & Co. }
vs } in Chancery.
A. J. Witt & S. L. Redwine }

To the Hon. A. A. W. Skew, Judge of
the Circuit Court for Lee County, Virginia.

Your petitioner, C. E. Wax, humbly
complaining, respectfully sheweth to the
Court, that, at the 1st October Rules
1894, C. E. Flanary Admr & Co. filed his
bill in Chancery against A. J. Witt and
S. L. Redwine, in your honors court,
to enforce certain judgment-liens
against the lands mentioned in
said bill of Complaint, and by
decree of said Court, ^{entered on the 16 day of Nov 1894} one C. H. Jones was
appointed to ascertain the liens on said
lands. That on the 18 day of February 1895
the said C. H. Jones, special Commissioner
as aforesaid, filed his report of liens,
in which he reported that said judgment
mentioned in said bill of Complaint was
the only lien upon said lands, and
that said lands would rent for enough
in five years to pay said liens. That
thereupon another decree was entered in
said Court on the 7th day of March 1895
confirming said report, and in which
C. W. R. Lewis was appointed a special
Commissioner to rent said lands at
the front door of the Court house, but
that said Commissioner should first

(2)

execute bond in the penalty of \$1000.
That on the 14th day of October 1895;
said Commissioner Ewing filed his
said report, in which he reported
that he proceeded to execute the decree
last-foresaid by "advertising, as the
decree required, and on the first-day of
the May term of the County Court of
Lee County and at the front-door of the
Court-house of said County, he offered
the said lands as reported belonging
to the defendants for rent on the terms
as in the decree specified." But no bid
was given him for any sum whatever.
That he continued the said renting
until the next term of said Court,
giving notice as required, again exposing
said lands to rent, but that he never
received the first bid. Said Commissioner
thereupon recommended a decree of sale
of said land. Whereupon the Court
entered another decree in said cause on
11 day of Nov. 1895, directing said lands
be sold to satisfy said judgment-
liens, and appointing the said E. W.
R. Ewing a special Commissioner to sell
said lands; and in which said decree the
said Commissioner was directed

and ordered, to proceed to sell said lands at the front door of the Court-house of Gee Co, to the highest bidder for cash in hand, sufficient to pay costs and commission of sale, and as to residue he shall ^{sell} on one and two years time, with interest from date of sale, and should take bond with approved personal security, said sale to be made after posting notices thereof at the front door of the Court-house and one in the neighborhood of land. Said decree then stating and declaring that, said Commissioner having given bonds for performance of his duties under decree of this Court, no further bond is required.

Your petitioners will now show your honor that said Commissioner Ewing, after advertising the time, terms and place of sale of said lands, by posting notices thereof at the front door of the Court house of Gee Co, Va. and in the neighborhood of said lands, for at least 30 days, did on the first day of the Feb Term of the County Court for Gee County, 1896, offered said lands for sale to the

(4)

highest bidder at public outcry.

And relying upon the truthfulness of said last named decree, your petitioner became the purchaser of said lands at the price of \$100⁰⁰, paying to said Commissioner the costs and commission of said sale at the time, and executing his two separate bonds for the residue of said purchase price of said lands, with surety approved by said Commissioner, payable in one and two years from date, with interest. And your petitioner supposing said sale had been reported and confirmed unto him, paid off one of said ~~notes~~ bonds to said Commissioner, and has always been ready and willing ^{and anxious to} to ^{pay} off the other bond whenever the ~~same~~ ^{same} should be presented.

Your petitioner will now show your honor that on the 16th day of Nov. 1897, the Treasurer of G. C. County sold the tract of land mentioned in said bill, for delinquent taxes due thereon, in the name of Antony Wills Estate, and at which sale your petitioner became the purchaser, and files herewith the

said treasurers receipt for the purchase money, ~~and~~ ^{and} ~~and~~ ^{and} prays that same be treated as a part of this petition.

Now your petitioner is informed that at the last term of your honor's Court, that another decree was entered in said cause, substituting one J. W. Orr Commissioner instead of said Ewing, and directing him to resell said lands, on the ground that said Ewing failed to execute said bond in said cause, and under which said decree said J. W. Orr, at the Oct. term of the County Court of said County, 1902, the said sold said land to one A. J. Witt, which said sale he reports to this term of said your honors said Court.

Your orator is informed and believes that he had a right to rely on the decree in which it was recited that said Ewing had already executed bond in said cause, and that if he had not so executed said bond, that the complainant cannot take advantage of his own wrong, and that the sale by said Orr Commissioner should not be confirmed, but that the same

should be set aside, and a decree entered ~~selling~~ confirming the sale to your petitioner, and allow him to pay the residue of the purchase money and receive his deed therefor for said land from the court.

The prayer of your petitioner is therefore, ^{and A. J. Watt} that the said C. E. Flannery Adm^r, &c. be made ^{the} party to this petition and required to answer the same, but they need not do so a call, that being waived; that the sale made by said Ore be not confirmed, but that the same be set aside ^{and that your petitioner be allowed and permitted to prove his purchase} and that a decree be entered

confirming the sale of said Ewing to your petitioner; and another ^{commissioner} ~~petitioner~~ be appointed to execute a bond due to your petitioner ~~to~~ for said land. and that such other, further and general relief be granted your petitioner, as good conscience and equity will afford. And he will ever pray and etc.

C. E. Watt
J. C. Noel, Counsel
for Petitioner

L. E. Flannery Adm'r

72 { Petition of
C. C. Wax

A. J. Welt & S. L. Redwine

Filed in open
court & by leave
thereof

This the 7th day
of Nov. 1902.

A. B. Munsey Clk.

To, the Hon. H.A.W. Skeen, Judge of the Circuit court
for Lee County, Virginia:

The separate demurrer and answer of A.J. Witt to the
petition of C.C. Wax, filed in the Chancery cause of U.E. Flanary,
administrator &c. vs. A.J. Witt and S.L. Redwine, pending in the
said court.

Respondent says that the said petition is not sufficient
in law, and demurs thereto, and for his grounds of demurrer to
the said petition, he says he has read the demurrer of his
co-defendant, C.E. Flanary, administrator &c. filed to said peti-
tion, and he hereby adopts said grounds of demurrer made
by him to said petition.

Respondent says that he has also read the answer of his
co-defendant C.E. Flanary, administrator &c. to said petition,
and he hereby adopts the same as and for his answer to said
petition in so far as the matters of defense therein set up
are applicable for his defense to said petition.

Respondent says, as stated in said answer, he asks
that the said sale made to him by said commissioner Orr, in
said Chancery cause, and his purchase thereat be accepted by
the court, ~~the court~~, and be treated as an up set bid for said
tract of land.

Respondent says that he was the owner of the said
tract of land before it was sold by said commissioner Ewing,
and purchased by the said Wax, and that it did not sell for
enough to pay the debts for which it was sold, having been
sold for only one hundred (\$100) dollars, and that his bid
therefor is two hundred and fifty (\$250) dollars, which pays
~~all of~~ the said debts, and the cost of suit, and commissions of
sale, and enables him to keep said land for his home, the same

being all the land that he owned then or now owns.

Respondent says that the said Wax as purchaser of the said land at said sale, made by said commissioner Ewing, has not used any diligence in seeing that the said sale was properly reported to court, and confirmed as required by law, and that he has not paid the purchase money due therefor as was his duty to do, as the law does not require the creditor to pursue the debtor, but the debtor has to go to the creditor to pay his debts, and by his failure to see that the said sale was properly carried out, ought ^{not} to prejudice respondent under such circumstances, as purchaser of the same land at the said second sale, and respondent further states that he had no knowl

edge or notice but what the said second sale was proper and legal, and he relies upon this fact for protection by the court. *and respondent has possession of said land all the time and has got it alling and occupying it as his own.*

Respondent says that he knows nothing as to whether the proceedings to sell said land by the said commissioner Ewing are correctly stated in said petition or not, and neither admits or denies them, but calls for proof thereof.

Respondent is advised that the alleged sale by said commissioner Ewing was not a legal sale, and if he would have no right for his purchase of said land to be accepted and treated as an upset bid, then he is advised that the sale made to him and duly reported to court, is the only legal sale that has been made in said suit of said land, and should be confirmed.

Respondent now having answered as fully as he is advised it is material for him to answer, and denying each and every allegation of said petition not heretofore admitted, denied or explained, he prays to be hence dismissed with his reasonable cost in this behalf expended, and he will ever pray &c.

B. H. Sewell, Attorney for Respondent

To the Hon. H. A. W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

The answer of C.E.Flanery, administrator of the estate of Anthony Witt, deceased, to a petition filed in the honorable court, against him and others, by C.C.Wax, in the Chancery cause of your respondent against A.J.Witt and S.L.Redwine.

For answer thereto, or as so much thereof as respondent is advised it is material or necessary for him to answer, answering he says: The said petition is not sufficient in law for him to be called upon to answer in this honorable court, because the petitioner in his said petition shows, or alleges, no sufficient grounds to entitle him to relief. The record and papers in the cause show that no bond was executed by E.W.R.Ewing, as commissioner, before making the pretended sale, as claimed by petitioner, and no report of sale was made by said commissioner, and none confirmed by the court, and the payment of the costs and commission by said Wax to said commissioner, if any was made was voluntary upon the part of the petitioner, and at his risk, and his remedy is against said Ewing. And the payment of one of the deferred payments to said Ewing, if any was so made, was likewise voluntary and illegal, as the purchaser had no right to pay the same until the sale was reported to, and confirmed *and the commissioner directed by decree to collect said purchase money* by the court, which was not done, and the petitioner acquired no legal right, as purchaser of said land, by said payments. And a decree having been entered at the last term, substituting James W. Orr as commissioner instead of said Ewing to sell said land, and he having executed bond and made sale of said land, upon the terms and in the manner, the same was ordered to be sold by a former decree of the court, at the price of two hundred and fifty (\$250) dollars, a sum sufficient to *satisfy* justify the sum decreed in the cause to your respondent, and having

properly reported the same to the court, which report is unexpected to, the same should be confirmed.

But should any other or further answer be necessary, answering he says: That he supposes the proceedings in the said Chancery cause up to and including the decree appointing E.W.R. Ewing a commissioner to sell the lands mentioned in said cause as belonging to defendant, A.J.Witt, are correctly stated. But Your respondent does not know what said Ewing did do, under said decree, towards selling said land, except as he has been informed, and he is informed by the clerk of the court, that Mr. Ewing executed no bond at any time as such commissioner, and he finds no such bond in the papers of the cause, and he therefore alleges that none was ever executed. And your respondent denies that any legal sale was ever made by said Ewing, of said land, none having ever been reported to the court by him, and he denied that the said petitioner ever became the legal purchaser of said land, or in any manner became the purchaser thereof from said Ewing, or had the legal right to pay to said Ewing, or any one else, any purchase money therefor, and thus become the purchaser of said land; and if any such payments were made by him, they were illegal and void, so far as respondent's right are concerned, and cannot effect the decree entered at the last term appointing James W. Orr a commissioner to make said sale, nor the sale made by the said commissioner. And your respondent denies that the decree at the last term was entered substituting said Orr as commissioner, upon the grounds alone, that said Ewing had executed no bond, but he alleges that the said decree was entered upon the grounds that said Ewing had removed from the State and there was nothing in the record showing that he had ever taken any action under the decree appointing him. (See decree).

It is true that said commissioner Orr, at the last October term of the county court, did sell said land, as directed, to the defendant A.J.Witt at the price of two hundred and fifty (\$250) dollars, a sum sufficient to pay your respondent's judgement lien together with the costs of this suit, and the expense of sale, which sale has been reported to your honor's Court. And your respondent supposes, that even if Commissioner Ewing had reported a sale of said land at one hundred (\$100) dollars, which had not been confirmed, your honor would treat the sale by commissioner Orr to defendant A.J.Witt, at the advanced price of two hundred and fifty (\$250- dollars, as an up set bid, and confirm the same, as this secures to your respondent the full amount of his debt, and costs, and enables said Witt to secure his home. Your respondent denies that said Wax had a right to rely upon the mere recital of the decree, prepared by Mr. Ewing himself, that he had executed bond, it was his duty to see that bond had been in fact executed, or that the clerk so certified, and he denies the right of said Wax to have the sale made by Commissioner Orr set aside, and ^{the} purchase and deed to him for said land allowed to be proved and confirmed

And respondent denies that said petitioner's purchase of a tract of 165 acres of land charged to the estate of Anthony Witt, at a delinquent tax sale, as claimed by him, gives him any right in the premises here. The interest sold here is a one-third interest in a tract of 380 acres of land belonging to the estate of Anthony Witt, deceased, as reported in the cause by commissioner Jones, and the 165 acre tract, if there be such, is not shown to be the same land, ^{or a part thereof} and your respondent does not know whether it is or not, and he denies that said purchase gives the petitioner any right to set up a claim in

this cause under a void sale made by said Ewing, even if it
was the same land.

And now having answered your respondent prays to be hence
dismissed with his reasonable cost.

James W Orr.
for Respondent.

C. E. Flavery Admr
ad³ $\frac{3}{3}$ Aud & Deur.
C. b. Wax

Filed in open Court and
by leave thereof Noor
the 13th 1902
A B Murrey Clerk

C.E. Flanery, Admr. of Anthony Witt, deceased.

Plaintiff.

vs.

In chancery.

A. J. Witt, et al,

Defendants.

This cause came on again to be futher heard upon the papers formerly read in this cause and report of James W. Orr, Commissioner, and deed to T.E.Wax filed herewith in the cause, September 29th 1904, and was argued by counsel. On consideration whereof the said report being unexpepted to, it is adjudged, ordered and decreed, that the said report and the deed ~~There~~with, be, and the same are hereby confirmed and that the said T.E.Wax has ~~lie~~ to withdraw said deed from the papers in this cause for recordation upon the payment to the said commissioner of a fee of \$5.00 for making said deed, and for which sum execution may issue. And this cause is stricken from the docket.

~~Commissioner.~~

C. E. Henry ^{Shur}
vs Decree Final
H. J. Witt et al

Eu. Chcy Ct,
No. 7, page 536

Enter this Decree.
H. J. Witt, W. S. Linn
Sept 29th 1904.

C. E. Flanary Admr. of Anthony Witt, deceased.

Plaintiff.

vs.

A. J. Witt, et al/

In chancery.

Defendants.

This cause came on again to be heard upon the papers formerly read in this cause and the report of James W. Orr, Commissioner filed in the cause September 8th, 1904, and was argued by counsel. And the said report being unexcepted to, it is adjudged, ordered and decreed that the said report and the action of the commissioner therein reported, be and the same are hereby confirmed, and it appearing from the said report that the said A. J. Witt has sold the said land, or interest in land, to T. E. Wax ^{and} ~~he~~ desires the deed to be made to the said Wax, ~~and~~ ^{it} is therefore order^d that the said Orr, as commissioner, convey the said land, or interest in land, to the said T. E. Wax, sold by him in this cause, by deed with conenants of special warranty, and report his action at the present term of the court, until which time this cause is continued.

C. E. Flourery ^{Sur.}
vs Decree
A. J. Witt et al.

Entered C. E. B. No.
7, Page 504 re.

(1)

Enter this Decree
in the
Museum

Sept 20 1904.

C. E. Flanery Shur &c. Plaintiffs
against
A. J. Witt et al. Defendants } In Chancery.

This cause came on again to be heard upon the papers formerly read in the cause and the report of James W. Orr, Commissioner, filed in the cause May 2nd 1904, and was argued by Counsel. On consideration thereof and said report being unexcepted to, It is adjudged, ordered and decreed that said report, and the action of said Commissioner therein reported, be and are hereby confirmed, and that the rule awarded at the last term against the defendant A. J. Witt & Johnson-Jessie his surety be discharged. And the cause is continued.

G. E. Flavery blurre.

or { Decree

A. J. Witt et al

En. C. B. No. 7

page 462.

Enter this Decree.

~~to a w s m~~
May 18th 1904.

C.E.Flanery, Admr. &c.

Plaintiff.

vs.

In Chancery.

A.J.Witt & S.L.Redwine,

Defendants.

This cause came on again to be heard upon the papers formerly read in this cause, and the report of the sale of the land of the defendant, A.J.Witt, in the cause and said report mentioned, by James W. Orr, commissioner to said Witt, filed in the cause October 21st, 1902, and the petition of C.C.Wax filed in the cause November 7th, 1902, and the separate demurrer and answer of said C.E.Flanery, Admr. &c. to said petition filed November 13th, 1902, and the separate demurrer and answer of A.J.Witt to said petition filed on the same day, and joinder in said demurrer and the replication to said answer, by said Wax,, and was argued by counsel. On consideration thereof, and for reasons appearing to the court, it is adjudged, ordered and decreed that said demurrers be sustained and that the petition of said Wax be, and is hereby dismissed; ~~and that the said C.E.Flanery administrator of the said Anthony Witt, deceased, and A.J.Witt recover against the said C.C. Wax their costs by them expended in depending said petition, and that~~ said Flanery as such administrator pay to the said ^{ES} C.C. Wax ~~the~~ whatever amount of money was paid by him to commissioner, E.W.R.Ewing out of the proceeds of the sale of said land by ~~and interest thereon until paid from date of payment~~ Commissioner Orr; and that the report of the sale made by James W. Orr, commissioner, to A.J.Witt, the same being unexcepted to, and the sale thereon reported, be and are hereby confirmed, and ~~that~~ said commissioner pay out the costs in his hands to those entitled thereto, and retain for himself, his commission on said sale, and collect the amount of the deferred

payments for said land when due, and pay the same to the plaintiff, and report to court, and the cause is continued.

C. E. Flavery & Co

vs Decree

A. J. Witt et als

Ent. Co. B. 7. P. 197.

Enter this decree

H. A. W. Stur

Nov 14th 1902.

l. E. Flourey, Armer, &c.
v. } In bancy.
A. J. Witt et al.

This cause came on again this day to be heard upon the papers formerly read, the report of special commissioner E. W. R. Ewing, reporting that he had been unable to rent the land as heretofore directed, and having been filled the required length of times, ~~there~~ are no exceptions thereto; and was argued by counsel.

Upon consideration whereof and the court being of opinion that land in the papers mentioned should be sold, it is ordered, adjudged and decreed, that E. W. R. Ewing, who is hereby appointed a special commissioner for the purpose, do proceed to sell the said lands at the front door of the court house of Sen Co., to the highest bidder, for cash in hand sufficient to pay costs & commission of sale and as to remainder he shall sell on one and two years time, with

interest from date of sale, and shall take bonds with approve personal security. Said sale shall be made after posting a notice thereof at front door of Court house and one in neighborhood of land. Said Commissioner having given bonds for performance of his duties under decrees of this Court no further bond is required. He shall report his actions to future term of this Court.

Co. E. Flanagan, admsn.

r. } Decree -

A. J. Pitt & Co.

Q. B. 1260

Enter this

W. J. M.

Nov. 11, 1845 -

C. E. Flannery Administrator of the estate of
Anthony Witt deceased Plaintiff

against

A. J. Witt & S. L. Redwine

Defendants

In Chancery

This cause came on again to be heard upon the papers formerly read in the cause, and the report of C. H. Jones special commissioner filed in the cause, Feb 18th 1895; to which report there are no exceptions, and was argued by counsel. On consideration thereof, and said report having been filed the time required by law, it is adjudged, ordered and decreed, ~~and unless the sums reported against said defendants are paid~~ that said report be confirmed, and that C. W. R Ewing, who is appointed a commissioner for the purpose, ~~to~~ ^{will} proceed, at the front door of the Court house of this County, on some Court day to rent the defendant A. J. Witts interest in the land in said report mentioned to the highest and best bidder for a sufficient length of time, so that the same does not exceed five years, to pay the lien reported against said interest and the costs of this suit and expense of renting. Said Commissioner before renting will advertise the time, terms and place of renting for at least thirty days by written advertisements posted ~~and~~ at the front door of the Court house of this County and at one or more public places in the vicinity of said land

* paid within 30 days from the adjournment
of this Court there

and will execute bond with security before
the clerk of this court in the sum of \$100.00
and he will report his action hereunder to
some future term of this court. Said Com-
missioner will require the costs of this
suit and expense of renting to be paid in
hand and for the deferred payments he will
require bonds with security, payable in an-
nual installments bearing interest from
date. And the cause is continued.

B. S. Flannery Adm^r

vs Deene

J. J. Witt et al.

\$100.00

Enter this decree.

W. J. M.

March 7th 1895.

C. E. Flanary, Adm'r, &c.,
Against In Chancery.
A. J. Witt and S. L. Redwine.

This cause came on this day to be heard upon the bill of the Plaintiff and exhibits therewith, the process duly executed on the Defendants, and was argued by counsel. On consideration whereof, and the Defendants failing to appear, plead or answer, the bill is taken for confessed against them, and it is adjudged, ordered and decreed that the Plaintiff recover of the Defendants \$114. 59, with legal interest on \$106. 03, part thereof from the 12th day of June 1891 until paid and the costs of this suit. It is further ordered that C. H. Jones, who is hereby appointed a Commissioner for the purpose, do take an account of the liens against the real estate of the Defendants in the bill mentioned and the priorities thereof, if any therebe, and that he ascertain and report what real estate the Defendants own in this county, where situated, its value and whether or not the same will rent for a sum sufficient in five years to pay and discharge said liens and the costs of this suit. He will report his action to the next term of this court, together with any matter deemed pertinent by himself, or required by any party in interest. Before proceeding to execute this decree said Commissioner will give due notice to the parties in interest, and all persons who may be interested, by publishing the time, place and day of his sitting by written notice at the front door of the Courthouse, and serving a copy thereof on the Defendants to the said bill. And the cause is continued.

C. E. Hawary, ^{Plaintiff}, vs.
vs. } Deer
A. J. Witt, et al

Entered in
Chancery Order
Book Page 101

Enter this decree
W L M
Nov. 16, 1894.

Virginia

at a circuit court continued
and held for Lee County at the Court-
house thereof on Monday Nov 11th 1895
B E Flanary admr & c Plff

against
A J Witt et als Defs

In Chancery

This cause came on again this
day to be heard upon the papers form-
erly read the report of Special Com-
missioner E W R Ewing reporting
that he had been unable to rent
the land as heretofore directed and hav-
ing been filed the required length of
time there are no exceptions thereto
and was argued by Counsel, upon
consideration whereof and the Court
being of opinion that the land in
the papers mentioned should be sold
it is ordered adjudged and decreed that
E W R Ewing is hereby appointed a
Special Commissioner for the purpose
do proceed to sell the said lands at
the front door of the Court-house of
Lee Co. to the highest bidder for cash
in hand sufficient to pay costs and
Commissions of Sale, and as to the

remainder he should sell on one and two years time with interest from date of Sale, and shall take bonds with approved personal security; Said Sale shall be made after posting a notice thereof at the front door of the Court-house, and one in neighborhood of land; Said Commissioner having given bond for performance of his duties under decree of this Court no further bond is required. He should report his action to future term of this Court.

A Copy Leste A.B. Munsey Clerk

W.E. Flannery adm
 W. Copy of Decree
 A.J. Witt et al

Executed by
 delivering a copy
 of the within decree
 to E.W.R. Ewing this
 Dec 11-1895
 J.M. Weston h.s. Jas
 Wm. P. Weston, &c

x

Copy for E.W.R. Ewing
 C 75-

Virginia

At a Circuit Court continued
and held for Lee County at the
court house thereof on Tuesday July
the 8th 1902.

Charles E. Flanary Admr. vs Plff

vs

A. J. Witt ^{and} S. L. Redwine Defts

} In Chy.

It appearing to the court
that E. W. R. Ewing heretofore appointed
a Special Commissioner in this cause
has removed from this state.

On motion of the plaintiff it is
adjudged ordered and decreed that
James W. Orr be and is hereby
appointed such Commissioner in
the room and stead of said Ewing
and who will perform and dis-
charge the duties heretofore re-
quired of said Ewing. But said
Orr before acting as such Commis-
sioner will execute bond before
the Clerk of this court in the
penalty of \$200⁰⁰ conditioned ac-
cording to law. He will report
his action hereunder to the
court. And the cause is continued.

A Copy,

Teste: A. B. Munsey, Clerk.

Chas. E. Flannery Adm^r &c
vs. } Copy of Decree
A. J. Witter & L. L. Redwine

Virginia

At a circuit court continued and held for Lee County at the Court-house thereof on Friday Novr 16th 1894.

C. E. Flanary

against

A. J. Witt and S. L. Redwine

} In Chancery

This cause came on this day to be heard upon the bill of the plaintiff, and exhibits filed therewith, the process duly executed on the defendants, and was argued by Counsel, on consideration whereof and ~~the defendants~~ failing to appear, plead, or answer the bill is taken for confessed against them, and it is adjudged ordered and decreed, that the plaintiff recover of the defendants \$114.57 with legal interest on \$106.03 part thereof from the 12th day of June 1891 until paid and the costs this suit: it is further ordered that C. H. Jones who is hereby appointed a Commissioner for the purpose, take an account of the liens against the real estate of the defendants in the bill mentioned, and the priorities thereof, and that he ascertain and report what real estate the defendants own in this County, where situated, its value and whether or not

the same will rent for a sum sufficient in five years to pay and discharge said liens and the costs of this suit. He will report his action to the next term of this Court together with any matter deemed pertinent by himself or required by any party in interest, before proceeding to execute this decree. Said Commissioner will give due notice to the parties interest, and all persons who may be interested by publishing the time and place and day of his sitting by written notices at the front door of the Court house and serving a copy thereof on the defendants to the said bill. And the Cause is continued,

C. C. J. January

vs

In Chancery.

A. J. Witt and S. L. Redwine

Pursuant to a decree entered in the above styled cause on November 16, 1894, by the Circuit Court of Lee County & well sit in the office of Cor. Blankenship and Ewing, Jonesville, Virginia on the 4th day of February, 1895, for the purpose of ascertaining what real estate is owned by the defendants, in Lee County, the liens thereon, and their priorities; where situated; its value; and whether or not it will rent for a sum sufficient in five years to pay off and discharge said liens and the costs of this suit, or any other matter deemed pertinent by me or required by any party in interest.

This Jan. 21, 1895.

C. H. Jones
Commissioner

C.E. January
or Notice

A. J. Witt and S. L. Redwine

Executed January
the 29 1875
By delivering
two copies of this
Notice to
A. J. Witt &
S. L. Redwine
M. R. Kirk 98
for C. E. January
S. L. B.

"A"

The deposition of A. J. Witt, taken before me Ch Jones, a special Commissioner in the Chancery cause of R. B. Flannery Admr, against A. J. Witt and S. L. Redwine, now pending in the Circuit Court of Lee County, which deposition is to be used as evidence in determining the questions submitted to me by deems entered in this cause on November 16th 1894; pursuant to notice herewith filed marked "A" at the office of Orr. B. Lankenship and Erving Jones, Jr., Virginia, between the hours of 9 am, and 4 P.M. on February 4th 1895.

Present. E. W. R. Erving atty for Plff.
and ~~the~~ A. J. Witt one of the defendants.

Ques 1. State whether or not you are one of the defendants to this cause; if so please state what lands, if any, you own in this County; where situated; and its rental value per year?

Ans. 1 I am one of the defendants.
I own one sixth interest which I leased from my father; which tract of land is said to contain 380 acres more or less.

I bought and paid for one, ^{other} share
of this land, bought it of my sister
Lavina Jones, To this latter tract of land
I have a deed from all the heirs except
Jacob Witt, who is now dead.

It is situated on the Joe Brack in
the Pocket country.

Its rental value per year is reasonably
worth from Forty to Fifty dollars ~~per year~~
It is worth Seven or Eight hundred
dollars.

Ques 2. State if you know what lands are owned
by S. L. Redwine, and their value, both
rental and salable?

Ans 2. He dont own any.
And further this deponent saith not.
A. G. Witt Jr

A. J. Witt being reintroduced deponent
and saith as follows.

Ques 3 Are there any other liens against this
land?

Ans 3. There is a Judgment for \$14.80 in
favor of D. A. Beam or his assignee,
with a credit on it as I have under-
stood of \$4 $\frac{20}{100}$.

And farther this deponent saith not.

A. G. Witt Jr

Virginia, Lee County to wit:
I Certify that The foregoing deposition of A. J. Witt
was taken before me, subscribed and
sworn to, at the time and place
and for the purpose mentioned in
the caption.

Given under my hand, this the
4th day of February, 1895.

J. H. Jones
Special Commissioner

C. B. Flanagan, Admr.

vs ⚡ Deposition

A. J. Witt & L. L. Radume
—

"O"

To the Hon. W. D. Miller, Judge of the Circuit Court of Lee County.

Your undersigned special Commissioner having been directed, by a decretal order of your Honor's Court, rendered on the 16th day of ^{Nov.} ~~June~~, 1894, in the Chancery Cause of C. E. Flanary, Admr, vs. A. J. Witt and S. L. Redwine, to ascertain ~~first~~ what lands were owned by the defendants, in Lee County, where situated; the liens thereon, and their priorities; and whether or not the same will rent for a sum sufficient in five years to pay off and discharge said liens and the costs of this suit, Your Commr, after having given due notice of the time and place of sitting to the defendants by posting ~~and posting~~ ~~copy~~ at the front door of the Court-house and having a copy thereof served on the defendants, began his investigations, and begs leave to herewith submit the result thereof.

Your Commr, ascertains from the deposition of A. J. Witt, herewith filed as part hereof, marked "O" that he the defendant A. J. Witt owns a one sixth interest in a 380 acre tract of land; also that he owns one other share

Said land is situated on the
Fox Branch, in the Pocket Country.

of this tract of land, bought from his
sister, Lavina Jones. #

Your Court ascertains as directed by
said decree that this land is of the
value of Seven or Eight Hundred
dollars; and that its rental value is
reasonably worth ~~from~~ Forty to Fifty
dollars per year, which will be
sufficient to pay off and discharge
said liens.

Your Court finds only
one lien ^{the land of} against A. J. Witt one of
the defendants to this suit. There
is a lien as mentioned in said
deposition marked "C" in favor of
D. A. Beam or his assignee; but this lien
is not on record, and is to ~~be~~
uncertain as will appear by said
deposition; therefore your Court does
not report the same.

Your Court finds from the evidence
considered by him that J. L. Redwine
the other defendant in this cause
does not own any lands.

This Feb. 18, 1895.

C. H. Jones.
Special Court

A. J. Watt and S. L. Redwine.

In account with their Lien Creditors.

	\$	Cts
To Judgment rendered by the Circuit Court of Lee County on the 16 th day of June, 1894, in favor of C. E. Flanary, Admr.		
Docketed in Judgment Lien Docket July 5, 1894. Amount of Judgment	106	03
Interest on same from June 12, 1891, to Mar, 1, 1895	23	65
Costs on same	8	56
Estimated Costs of this suit	35	00
Total	173	24

C. E. Flanery Admr.

vs Comr. Report

A. J. Witt & S. L. Redwine

Filed February 18th

1895. A. B. Muncy
Clerk

Comr. Fee \$1.00
Paid.

To the Hon. W. T. Miller, Judge of the Circ. Court of Lee county:

In the case of C. E. Flanary Administrator D. B. N. of est. Anthony
vs. Witt, deceased.

A. J. Witt and S. L. Redwine.

Your undersigned special commissioner begs to report that pursuant to a decree rendered in this cause at the March term, 1895, of this Honorable court, he proceeded to execute the said decree advertising as in the decree required, and on the first day of the May term of the county court of Lee county and at the front door of the court house of said county, he offered the lands as reported belonging to the defendants for rent on the terms as in the decree specified. But no bid was given him for any sum whatever. Your commissioner accordingly continued the said renting until the next term of the said court, giving due notice, and again he exposed the same to rent, but again failed, this was continued for a number of times when but your commissioner never received the first bid. Your commissioner believes that this failure is on account of the poor quality of the land, and the out-of-way place in which it is situated. He is certain that it can never be rented, and therefore he recommends that your Honor give him a decree for sale thereof.

All of which is respectfully submitted.

This Oct. 14, 1895.

E. H. R. Ewing,

Special Commissioner.

C. E. Flanagan, Attorney, &c.

v. } Rept. asking for
Sole.

A. T. Witt et al.

Filed October 14th 1895;
J. V. Richmond, Clk.
for A. B. Munsey circuit
clerk

C. E. Flanery Shur & Poff } In chancery.
against
A. J. Witt vs. L. Redwine Defts

The undersigned Commissioner in this cause respectfully reports, that pursuant to the decree entered in the cause, at the November term 1895 appointing E. W. R. Ewing a special Commissioner to sell the land in said cause mentioned belonging to the defendant A. J. Witt to satisfy the judgment in the cause mentioned recovered by the plaintiff, and pursuant to the decree rendered in said cause at the last term substituting the undersigned as a Commissioner in said cause instead of said Ewing, and directing that he perform and discharge the duties theretofore assigned to said Ewing, your Court reports that pursuant to said decrees, he on the 20th day of October 1902, the same being the first day of County Court, offered said land or interest of the defendant in the tract of land in said cause mentioned, it being one third thereof, on the terms prescribed in said decrees, and in the manner therein directed, at the front door of the Court house of said County, after having advertised said land for the length of time and in the manner directed, when the defendant A. J. Witt, being the

highest bidder, became the purchaser of said land at the price of Two hundred and fifty dollars, the same being enough ~~to~~ pay the amount for which said land was decreed to be sold. The said purchaser paid to your Commissioner \$57.58 the amount of the Costs of suit and Commission on sale and for the residue of \$192.42 he executed two notes or bonds for \$96.21 each, due in one and two years time, respectively, and bearing interest from date ^{with Johnson as special surety to each.} The mineral had been sold off this land and was not sold by your Court, but only the land sold subject to the sale of the mineral heretofore made. Your Court considers the sale ^{was} at a fair price and he recommends its Confirmation, and considers the security good.

James W Orr -
- Commissioner.

To Hon D. S. W. Sheen,
Judge Lee Circuit Court.

C. E. Flanery Advr
vs } Report of Fall
by J. W. Orr.
A. J. Witt & als.
Filed Oct 21st 1902.
A. B. Munsey Clerk

Oct 20th 1902.

C. E. Flavery Shur oc. Plaintiff
against
A. J. Witt & S. L. Redwine Defendants } In Chancery.

The undersigned Commissioner in this cause respectfully reports that the purchaser of the land sold in this cause, A. J. Witt and his surety Johnson Jesse, have failed to pay to your Commissioner the first installment of the purchase money, \$96.21, which became due and payable October 20th/1903, with interest thereon from Oct 20th/1903, until paid, or any part thereof. Your Commissioner therefore asks a rule against the said A. J. Witt and the said Johnson Jesse returnable on the first day of the next term to shew cause, if any they can, why the said land, or a sufficiency thereof shall not be sold to pay the said purchase money and the costs of the said rule. Feb 20th/1904.

To - Hon. S. S. W. Sherr,

Judge of the Circuit Court.

James W. Orr - Comr.

C. E. Flavery Shur &c.
vs { Report of Our Court.
J. W. H. & L. Redwine.
Filed Feb 24th 1904.
W. C. T. Curing Clerk

Charles E. Hanery Survr. Off.

against
A. J. Witt et als. Defts. } In Chancery.

The undersigned Commissioner in this cause respectfully reports, that since the last term, at which time a rule was entered against the defendant A. J. Witt and Johnson Jesse his surety, to show cause why the land purchased by said Witt should not be resold to pay the first purchase money note due thereon, the said Johnson Jesse has paid to your Court the amount of said note \$185.86 and the costs of said rule, and your Court, has paid the amount of said purchase money to the plaintiff, and the said costs to the clerk and Sheriff. Said Rule should therefore be dismissed.

May 2nd 1904.

James W. Orr, Court.

C. E. Flavery ^{Sec}
vs ³/₃ Course Report.
Atty. With it als.
Filed May 2nd 1904.
Notaring Clerk.

C. E. Flanary, Admr. of Anthony Witt, deceased.

Plaintiff.

vs.

A. J. Witt, et al/

Defendants.

The undersigned commissioner in this cause respectfully reports that the defendant, A. J. Witt, who was the purchaser of the land sold in this cause by said commissioner has fully paid the purchase money therefor and is entitled to a deed for the land, or interest in land sold to him by the said commissioner, but the said Witt having sold the said land, or interest in land, to T. E. Wax, and *he* desires that the deed therefor be made to the said Wax.

The account of your commissioner stands as follows:

To amt. of costs and commissions received
at the sale Oct. 20, 1902.....\$57.58

By amt. of commissions retained.....\$11.15
By cost of ~~land~~ disbursed..... 46.43
Total.....\$57.58

To amt. of first purchase money note.....\$105.06
Collected May 2, 1904.

To amt. of second purchase money note
collected Sept. 8, 1904..... 107.08
Total.....\$212.14

By this sum paid Plaintiff.....\$ 98.38
By this sum paid E.S.Wax
pursuant to the decree Nov. 14/02..... 113.76
To tal.....\$212.14

James H. Orr, Commr.

C. E. Flanery ^{Sher}
vs Report of Court
on
A. J. Witt et als.

Filed Sept 8th 1904.
W. C. T. Ewing, Clerk.

x

C. E. Flanary, Admr. of An thony Witt, deceased.

Plaintiff.

vs.

In chancery.

A. J. Witt, et al,

Defendants.

The undersigned commissioner in this cause, respectfully reports that pursuant to the decree entered therein on the 20th day of September, 1904, he has executed and acknoeledged a deed for the interest of A. J. Witt in the real estate of Anthony Witt, deceased, to T.E. Wax, the vendor of the said A.J.Witt, which deed is herewith filed as part hereof, marked "Deed".

James W Orr

COMMISSIONER.

C. E. Hawery Shur
vs Carver, Grs Report
of Dec.
A. J. Witt et als.

Filed Sept 29th / 1904.
H. L. D. Ewing, clk.

Judgment				Lien Docket.	
Date of Judgment	By what Court	Time of docketing	Names and Description of parties	Debt, Damages, Interest and Costs	Amount and Date of Credits
1894 June 16 th	Lower Circuit Court.	1894 July 5 th	C. E. Hlanary Adm'r Jeff vs A. J. Witt & S. L. Redwine Defts } Debt	Judgment for \$106.03 with interest from the 12 th day of June 1891 till paid & costs c 4.81 d 1.00 A 250 Co c 25	

A Copy - Teste: J. H. F. Richmond Clerk

C. E. Flannery ~~admir~~
W. J. Copy Judgment
H. J. With et al

c 25

Docketing

E.W.PENNINGTON.

ROBT.L.PENNINGTON.

Pennington Bros.

ATTORNEYS AT LAW,

JONESVILLE AND PENNINGTON GAP, VA.

Pennington Gap, Va., 10=23/1907.

Mr.D.D.Hull, Jr.,
Bristol, Tenn.

Dear Sir:-

As you have heretofore requested, I herewith enclose you the original papers in the case of C.E.Flanary Admr., et al Vs. A. J.Witt et al. When you are through with them, please return them to me.

Yours very truly,

E.W. Pennington

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That of the goods and chattles of

A. J. Witt & S. L. Redwine

in your bailiwick, you cause to be made *\$106.03* One hundred & six dollars & three cents

with interest at the rate of six per centum per annum from the *12th* day of *June* 189*1* until paid, which *W. E. Flanary* admr &c

late in our Circuit Court of the County of Lee, has recovered against the said *A. J. Witt and S. L. Redwine*, as well for a debt as interest thereon; also *\$85.60* Eighty five dollars and *fifty six* cents, which to the said *W. E. Flanary* in the same court were adjudged for *his* costs by *him* about *his* suit in that behalf expended, whereof the said *Witt & Redwine* convict as appears to us of record. And how you shall execute this writ make known at the rules to be holden in the clerk's office of our said Circuit court, on the *15th* Monday in *September* next. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *26th* day of *June* 189*1*, and in the *118th* year of the Commonwealth.

A. B. Munsey Clerk

E. B. No. 4 p. 166

C. E. Flanary admy

US. { FI. FA.
IN DEBT.

A. J. Witt et al

.....p. q.

Came to hand Aug 7

1894, at 3 o'clock P.M.

C. E. Flanary S. T. C.

To 1st Sept Rules,

Circuit Court.

Jud. June 16th 1894

O. B. No. 3 p. 386

Not Executed No
Property found
M R Kirk Ds
for C. E. Flanary
3 26

2.35-
7.96
10.31

90.84
45.34
45.42
36336
45.42

41.55 22
10.31

51.64
90.84

142.48
27.79

170.27
50.00
220.27

91 1/2
45 3/4

9.6.11.11

7.7 1/4

16.08
45 3/4

80.40
64 3/2
8.04
4.02

7.35-66
4.36

11.71
16.08

27.79

Mr 1-1895-

3.36
1.00
4.36

23.65-

8.56

32.21

106.03 4.9.11.11

45 3/4 Bohemia
530.15-

424 1.2

53.01

26.50

48.5-0.86

32.21 Int & Costs

80.71

106.03 Pr

186.74

46.43 costs.

233.17

11.15-Com.

244.32 Total

57.58 Comm

2186.74

93.37 142 yrs.

190-
700

Witt. Calculations

$$\begin{array}{r} 226.17 - 11.25 - \\ 113085 - 12.08 \\ \hline 2373 \\ 20 \text{ Jan} \end{array}$$

$$\begin{array}{r} 226.17 \\ 111.91 \\ \hline 114.26 \\ 50.86 \\ \hline 165.12 \end{array}$$

$$\begin{array}{r} 244.32 \\ 57.58 \\ \hline 1186.74 \\ \$93.37 \end{array}$$

Sgt to A. J. Witt
for \$258 - Oct
28 1902.

ORR & NOEL,
ATTORNEYS AT-LAW,

JONESVILLE, VA., 1903.

Received of C. E. Flanary, Adminr of
the estate of Antony Witt, (deceased) by Jos. W. Orr ^{comr.}
one hundred and thirteen $7\frac{76}{100}$ dollars,
the amount due me in full from said
Administrator, by decree entered in the
Chancery Cause of C. E. Flanary, Adminr. vs
A. J. Witt, et al, Nov. 14, 1903 being
the amount ^{principal} and interest paid by said
Witt to E. W. R. Ewing Comr.
This Sept-8, 1904. E. S. Wax

E. S. Wax

To { Recd \$113.76

C. E. Flanery Schur.

Office of the Treasurer of the *County*

of Lee
Novr. 16th 1897

LIST OF REAL ESTATE within the County of Lee sold in the month of November, eighteen hundred and ~~eighty-six~~ ^{ninety-seven}, for the non-payment of taxes thereon for the years 1897, ~~188~~

Received of C. C. Wax the above sum of Two dollars ~~eight~~ cents, it being the amount of purchase money for the land mentioned in the above list. W. E. Lyman Treasr

Receipt

Received of B E Flannery administrator
of Anthony Witt Deed - Six
x⁶⁸ \$100 dollars by James Worn
the Balance of \$113⁰⁰ due
B. E. Flannery under decree of
Circuit Court of R. Co -
in the a Witt case -
this Sept-8th 1904

A. G. Witt Jr

James W Orr. Comr.

on acct of Collections in S. J. Witt. case

1902.
Oct 20"
1904
May 2"
Sept 8"

Lo amt costs	Collected at Sale	\$57.58
"	" of first purchase money note	105.06
"	" " Second " "	107.08
By this sum paid Pff		\$98.38
"	" " " E. S. Wax	
	pursuant to decree. No 14/1902.	113.76
"	this sum Commission etc	11.15-
"	" " Costs disbursed	46.43
		<u>\$269.72</u>

1902.
Oct 5"

Lo amt collected from Jas E Witt. by Orr.	\$100.00
" " " " Same	68.23
And he paid Lesterman Bros Apr 21/1903	57.94
Lo amt collected by Jas W Orr.	<u>\$226.17</u>
By amt paid costs	\$45.17
" 5 per ct Com on \$226.17.	11.30
" 5 per ct Com on \$269.72 S. J.	13.48
" amt Witt for Lesterman Bros	57.94
" bal to square	98.28
	<u>\$226.17</u>

1905-
May 3rd.

James W Orr Comr.
In $\frac{1}{2}$ Statement
With Estates.

C.E. Flanary, Admr., &c.,

vs.

In Chancery.

A.J. Witt and S.L. Redwine.

Pursuant to a decree rendered at the March term of the county court of Lee county, Va., I, the undersigned special commissioner, will, on the first day of the next May term of the ~~next~~ county court of said county, at the front door of the court house, proceed to rent the interest of the said A.J. Witt in certain lands as set out in the report of special commissioner C.H. Jones, filed in this cause Feb. 18, 1895, ~~presently~~ for the shortest period of time so that same does not exceed five years to pay the liens reported against said land, payable in annual instalments with interest from date, good security to bonds, except costs of suit and renting, which will be required paid cash in ~~ready~~ hand.

This April 19, 1895.

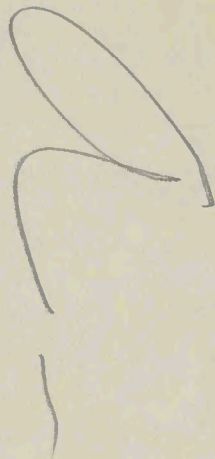
The required bond has been given.

E. W. R. Ewing,
Special Commissioner

Clerk.

C. E. Flanery, Adm.,
vs. } Notice
Witt & Redwine.

Filed as required
~~in~~ ~~decrees~~
this April 19, 95.
E. W. R. Ewing,
Off. Comm.



Land Sale.

C. E. Flavery & Son vs.
A. J. Witt et al

IN CHANCERY.

Pursuant to decree of the Circuit Court of Lee County, Virginia, at the Nov term, 1898, in the above styled cause, the undersigned will, at public outcry, at the front door of the Courthouse of said county, on the first day of the October term, 1902, of the County Court of said county, proceed to sell, to the highest and best bidder, on a credit of Over two years time, except so much as may be necessary to pay the cost of suit and expense of sale [which are required to be paid in hand], the following described property: A one third interest in a tract of 380 acres of land lying and being in Lee County Va. on Joe Branch, in the Pocket Country, it being the land in the bill and proceedings mentioned.

Bonds with good and approved personal security will be required of the purchaser for the deferred payments. This 13th day of Sept, 1902

James W. Orr, Commissioner.

The Bond required by Law has been given.

_____, Clerk.

C. C. Flanery: Secy
+ C

vs Copy Notice

A. J. Witt et als.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

A. J. Witt & S. L. Redwine

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against

them

in our said court by

B. E. Flannery Admr

de bonis non of the Estate of Anthony Witt
deceased

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

12th day of *September*

189*4*, and in the 11*th* year of the

Commonwealth.

A. B. Munsey Clerk

le. E. Flanary Adm^r

vs. { SUPENA
IN CHANCERY.

A. J. Witt et al

Or. B. & Ewing p. q.

To 1st October Rules,
Circuit Court.

Executed sep the
17 day 1894
By ~~delivered~~
a copy of this
Spa in chancery
to A. J. Witt &
S. J. Redwine
M. R. Wick D. S.
for E. E. Flanary
S. J.